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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,277	11/04/2003	Kazutaka Fukuda	FY.50739US0A	7037
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KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
			EXAMINER SPISICH, GEORGE D	
			ART UNIT 3616	PAPER NUMBER

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,277

Applicant(s)

FUKUDA, KAZUTAKA

Examiner

George D. Spisich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 21 is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/4/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to because in Figure 5 (at the bottom) between reference numerals 270 and 266, there appears to be a reference line missing a reference numeral.

Furthermore, in Figure 6, reference numeral 276 is incorrectly labeling the bolt which is inconsistent with the specification and Figure 5 which has reference numeral 278 (as is disclosed) indicating the bolt. Applicant is reminded that reference numerals should be consistent throughout the Figures and with the specification.

Furthermore, the reference numerals in the Figures should be clear and readable. In at least Figure 6, the reference numeral (at the top of the Figure) to the right of reference numeral 312 is not clear.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

On page 11, paragraph [0060], there is disclosed a transmission "cover" 224. It appears that throughout the remainder of the specification, this element is called a/the transmission "case". Applicant should keep the names of the elements consistent throughout the specification. Examiner suggests changing "cover" to - - case - - in the mentioned occurrence.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-7, 12, 13 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3 and 16, line 2, the term "may" is inherently unclear in the phrase "may be disposed therein".

Claims 6, 12 and 19 are unclear. In line 2, there is claimed "at least a portion of which". It is unclear from this language if Applicant is claiming a portion of a bolt or a portion of the total number of bolts, as in "at least one". Applicant is cautioned that a change to "at least one of the bolts" will cause problems with a lack of antecedent basis since a plurality of bolts is not positively claimed by the phrase "a number of bolts is". Examiner suggests the phrase - - a plurality of bolts, at least one of said bolts - - could replace the phrase "a number of bolts such that at least a portion of the bolts are".

Claims 6, 13 and 19 are unclear as the movable half of the drive pulley has not been previously claimed as a "movable sheave" and therefore is unclear.

Claims 7 and 20 are unclear. These claim refer to the channel (282) as Examiner understands, and this channel does not accommodate the "movable pulley". This channel only accommodates the movable half of the driven pulley. Furthermore, this phrase is unclear since a "movable pulley" (as a whole) has not previously been claimed as such, and has only been claimed as a movable half and a fixed half.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-6,8-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Izumi (USPN 6,269,899).

Izumi (shown best in Figs. 4 and 5) discloses all terrain vehicle having a frame, an engine compartment defined within the frame, and engine mounted within the engine compartment, the engine comprising a crankcase (120), a transversely extending crankshaft, a transmission connected to the crankshaft, the transmission comprising a drive pulley (192,202), a driven pulley (242,236) including a fixed half (236) and a movable half (242), a spring (250) adapted to bias the movable half toward the fixed half, a transmission primary shaft connected to the drive pulley and coaxial to the crankshaft, a transmission case (148) connected to the crankcase (120), a mating surface (near 150) between the crankcase and the transmission case positioned within a perimeter of the driven pulley (as the end portion of the mating surface is inside the outer perimeter of the driven pulley). The mating surface defines a plane substantially perpendicular to an axis of the crankshaft, and the drive belt (184) is disposed on a first side of the plane and at least a portion of the spring (250) is disposed on a second side of the spring. The driven pulley connected to a transmission main shaft and the main

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shaft extends through a cavity in the crankcase and an opening in the transmission case.

The crankcase is an open cavity that provides space for the spring to be disposed therein. The transmission chamber provided within the cavity of the transmission case is in communication with the spring cavity through an opening (the open side of the transmission case) in the transmission case. The spring is at least partially positioned within the cavity.

The spring cavity is isolated from a crank chamber by a main shaft supporting wall (149).

The transmission case is connected to the crankcase by a number of bolts (150) such that "at least a portion" of the bolts are disposed with the perimeter of the movable half of the driven pulley.

There is a clutch dividing wall (159) having a cylindrical protuberance (172) and air-cooling fins (198) extending from a surface of the drive pulley facing the clutch dividing wall, wherein the air-cooling fins overlap the cylindrical protuberance in a direction along a longitudinal axis of the vehicle.

Allowable Subject Matter

Claims 15 and 21 are allowed.

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7,13,16-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sherman et al. (USPN 4,403,974), Sakakibara et al. (USPN 4,973,288), Akutagawa et al. (USPN 4,817,458), Miguchi et al. (USPN 6,715,379), Luenberger (USPN 3,995,505), Mott (USPN 4,504,246), Sakakibara (USPN 4,541,821), Smirl (USPN 4,630,504), Sakakibara et al. (USPN 5,094,652), Teraoka (USPN 5,361,744), Takano (USPN 6,958,024), Takagi (USPUB 2004/0018903).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich
March 14, 2006



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